

[No. 512, A.]

[Published April 2, 1887.]

CHAPTER 147.

AN ACT to incorporate the city of Mauston, in Juneau county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. From and after the fifth day of April, A. D. 1887, all that district of country in the county of Juneau, and state of Wisconsin, hereinafter described, shall be and remain a city by the name of Mauston, and they who now, or may hereafter inhabit said district shall be a municipal corporation by the name of the city of Mauston, and shall have the general powers possessed by municipal corporations at common law and under the revised statutes and the general laws applicable to municipal corporations; and in addition thereto shall have and possess the powers hereinafter granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with, suing or being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

SECTION 2. The said city shall be divided into two wards; viz.: All that territory lying on the north side of the Lemonwier river and pond, and so much on the south side of said river, and east of Division street on the south side of the Chicago, Milwaukee & St. Paul railroad company's track and east of Oak street and the Methodist church on the north side of said track, shall constitute the First ward, and all lying on the west side of Division street, south of said railroad track and all lying west of Oak street on the north side of said track, including the Methodist church, shall constitute the Second ward; but the common council shall have power to change said lines of division as they may deem convenient and proper but said boundary lines of said wards shall not be changed or altered except by a three-fourths vote of the common council.

Corporate authority, in whom vested.

SECTION 3. The corporate authority of said city shall be vested in one municipal officer, styled the mayor, and in one board of aldermen, consisting of two alderman from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereafter mentioned, or may be created under this act.

ELECTIONS.

Annual election, when held.

SECTION 4. The annual election for city and ward officers shall be held on the first Tuesday in April in each year, at such place or places as the common council shall designate and provide, and the polls shall be kept open from nine o'clock A. M. until twelve o'clock M., and from one o'clock P. M. until five o'clock P. M. The city clerk shall give at least ten day's notice of such election, stating time and place or places of holding the same, the officers to be elected thereat, and also of any special action to be taken or asked at such meeting, by causing the same to be printed in one or more newspapers published in said city of Mauston, and by posting the same in one or more public places in each ward of said city, and the city clerk shall file copies of the newspapers containing such notice, together with his affidavit of the publishing and posting of the same; but a failure to give the notice above specified shall not invalidate the election.

BOUNDARIES AND WARDS.

Division of city

SECTION 5. All of section number one (except the northeast quarter of the northeast quarter thereof); all of the northeast quarter of the northeast quarter of section number two, and all of section number twelve in township number fifteen north, of range number three east, and all of the west half of section number seven in township number fifteen north, of range number four east, in the county of Juneau, state of Wisconsin, shall be included in and constitute the territory comprising the city of Mauston.

Elective officers of city.

SECTION 6. The elective officers of said city shall be a mayor, clerk, treasurer and assessor, two justices of the peace, and one constable, elected by and for the city at large, and two al-

dermen and one supervisor from each ward, which said supervisor shall represent his ward on the county board of supervisors of Juneau county.

SECTION 7. All city and ward officers shall be qualified voters and residents of the city and ward for which they are elected or appointed; all elective officers, unless otherwise provided, shall hold their respective offices for one year, and until their successors are elected and qualified, except justices of the peace, who shall hold their office for two years, and until their successors are elected and qualified; provided, however, the common council shall have power, for due cause, to expel any of their own number and to remove from office any officer or agent appointed by said council, due notice being first given to the officer complained of. The mayor shall have the power to suspend any street commissioner, police officer, marshal or watchman appointed by the council when complained of for cause, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created. The term of every officer elected under this act, except to fill a vacancy, shall commence on the second Monday of April of the year for which he is elected.

City and ward officers shall be qualified voters.

SECTION 8. Whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur; and in the meantime the common council may, if they shall deem it necessary, make an appointment to fill such vacancy, but such appointee shall only hold the office until his successor is elected and qualified, and in no event more than twenty days from the date of his appointment; any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office, and discharge the duties thereof, for the unexpired term, except in case of justices of the peace, whose appointment shall continue only until the next charter election, when the vacancy shall be filled by an election.

How vacancy in office of mayor may be filled.

SECTION 9. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of

Elections to be by ballot.

votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time, and in such manner as they shall direct.

Qualified
voters.

SECTION 10. All persons entitled to vote for county and state officers, and who shall have an actual residence in the city for ten days next preceding the election, shall be entitled to vote for any officer to be elected, and upon any questions that may be submitted to the people for their vote.

Inspectors
and clerks.

SECTION 11. The inspectors and clerks of election, appointed by the president and trustees of the village of Mauston, at their regular meeting in September, 1886, shall continue to act as inspectors and clerks of elections, for the city of Mauston, until the regular meeting of the common council of said city in September, 1887, at which time and annually thereafter, or in case there shall be no regular meeting in that month, then at a special meeting to be held on the last Tuesday of September, the mayor and common council shall appoint three inspectors, one of whom shall be an alderman, and two clerks for each ward. The persons so appointed inspectors and clerks shall hold their office for one year, and shall act as such at all times at all general, municipal and special elections held within their respective districts. The manner of nomination and approval of such inspectors and clerks by the mayor and council, and of filling vacancies, shall be as provided in section 26, of the revised statutes, and all the other provisions of said section shall be in force and apply to the city of Mauston, except as in this charter provided; and all the provisions of the revised statutes and the amendments thereto, as to the manner of conducting elections, and in reference to the qualifications and swearing of inspectors and clerks, challenging electors, and keeping the records or otherwise, shall apply to the elections in said city, except as such laws are limited to elections held in towns or as otherwise provided for herein, or are inconsistent with the provisions of this charter.

Canvassing
votes.

SECTION 12. When the election shall be closed the inspectors shall proceed to count the votes cast for each and every candidate voted for, and shall make a return of the votes cast in their elec-

tion precinct for each and every office, which shall be subscribed by the inspectors and clerks, and shall be forthwith delivered to the city clerk, and within three days after such election the council shall meet and canvass said returns and declare the result as it shall appear from the same. The clerk shall thereupon immediately give notice to the persons elected of their election; as soon as the votes are counted and canvassed by the inspectors, they shall be sealed up and transmitted to the proper officer, as required by chapter 464, general laws of 1885.

SECTION 13. Special elections to fill vacancies shall be held and conducted, and the returns made in the same manner as at annual elections. One week's notice of such election shall be given in the same manner as is required for annual elections.

Special elections to fill vacancies.

SECTION 14. Any officer removing from the city, or any alderman removing from the ward for which he was elected, or any officer who shall neglect or refuse for one week after notice of his election or appointment to qualify, and shall neglect or refuse to enter upon the duties of his office shall be deemed to have vacated his office, and the common council shall proceed to fill any such vacancy in the manner herein provided.

What shall be deemed a vacation in office.

SECTION 15. The votes for mayor and all elective officers shall be on one ballot and shall be deposited in one box, and all questions submitted to the people at the city elections shall be on separate ballots and deposited in separate ballot boxes.

Votes, how deposited.

SECTION 16. The first election of said city shall be held on the first Tuesday in April, 1887. The qualified electors of said city shall elect one mayor, one clerk, one treasurer, one assessor, two justices of the peace, and one constable at large, and two aldermen and supervisors from each ward. All of said officers to be residents and qualified electors of said city and the alderman shall reside in the ward from which he is elected; each and all of said officers elected at the first election to hold their respective offices until their successors are elected and qualified. The first election for said city shall be held for both wards in what is known as the engine house. There shall be two ballot boxes, one designated for

First election, when held.

each ward and on each box shall be plainly printed or written the number of the ward for which said ballot is to be used, and each voter, when he offers his vote, shall state to the inspectors, the number of the ward in which he resides, and his ballot shall be deposited in the box for that ward, but in case any ballot should be by mistake deposited in the wrong box, the inspectors having determined that fact from the ballot, it shall be counted for the ward in which it of right belongs. The returns of the first election shall be made to the village clerk of the village of Mauston, who, with the president of said village of Mauston, shall certify to and notify the officers elected within three days thereafter, and the officers so elected shall, on notice forthwith qualify and enter upon the duties of their respective offices.

Oath of office
to be taken and
subscribed.

SECTION 17. Every person elected or appointed to any office under this act, except justices of the peace, shall before he enters upon the duties of his office take and subscribe an oath of office and file the same, duly certified by the person taking the same, with the city clerk. The treasurer and such other officers as the common council shall direct, shall severally before they enter upon the duties of their respective offices, execute to the city of Mauston a bond in such amount and in such form and with such sureties as the common council shall approve, the sureties to which shall severally justify under oath; and the common council may at any time for sufficient cause, require new and additional bonds and remove from office any officer refusing or neglecting to give the same, which bonds shall be filed with the city clerk. Justices of the peace shall qualify in the same manner as in towns, except that their bonds shall be approved by the mayor of the city.

Duties of
mayor.

SECTION 18. The mayor shall, when present, preside over the meetings of the common council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer of the city and

head of the police, and in case of a riot or other disturbance, or there shall be apparent necessity he may appoint as many special or temporary policemen as he may deem necessary. The mayor shall have a vote in the council only in case of a tie. When the council shall be engaged in the election of any officer, the mayor shall have a vote the same as an alderman.

SECTION 19. At the first meeting of the common council after their election in each year, they shall proceed to elect by ballot, one of their number as president, and in the absence of the mayor the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of mayor. In case both the mayor and president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who for the time being shall discharge all the duties of the mayor. The president, or the temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled acting mayor, and any acts performed by them shall have the same force and validity as if performed by the mayor. The common council may also, at their first annual session, or so soon thereafter as may be, appoint the following officers: city marshal, who shall also be the chief of police, city attorney, one street commissioner, one fire warden, one sealer of weights and measures, and other officers or agents necessary to the good government of the city, who shall hold their said offices for one year, unless removed as hereinafter provided. The council shall, at the time of appointing said officers, fix the compensation or salary, and may prescribe the duties pertaining to the same.

Election of president of the council.

SECTION 20. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, and whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council, certified to have been compared by him, with the original and to be a correct tran-

Clerk to keep the corporate seal and perform other duties.

script therefrom, under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns: and chattel mortgages so filed, and the renewals thereof, shall be as valid and legal as if the same had been filed in the town clerk's office in any town. The said clerk may appoint a deputy, who in the absence of the clerk shall perform all the duties of said clerk, and for whose acts the said clerk shall be responsible.

Jurisdiction of justices.

SECTION 21. The justices of the peace elected under this act shall have the same jurisdiction in civil and criminal cases, and perform all duties of justices of the peace as provided by the general laws of the state, and in addition thereto shall have exclusive jurisdiction of all criminal cases arising within the city limits, and in cases arising under the ordinances heretofore or hereafter passed by said city, unless therein otherwise provided; and said justices may hold their offices anywhere in said city, not prohibited by the laws of this state, and in case of change of venue for any cause, whatever, the case shall be removed and disposed of in accordance with the general laws; provided, that in all cases where the justice has final jurisdiction, the parties in civil actions, and the defendant in criminal actions, shall have the right to a trial by jury.

Jurisdiction of constables.

SECTION 22. The constable elected under this act shall have the same jurisdiction as other constables, and shall qualify in the same manner as constables elected in organized towns, except that the official bond of such constable shall be approved by the mayor and filed with his oath of office in the office of the city clerk.

Duties of the treasurer defined.

SECTION 23. The treasurer of said city shall receive all moneys which may or shall be collected for the use of the corporation by virtue of this act, or by virtue of any by-law or ordinance of the corporation, and giving the person paying the

same his receipt therefor. All moneys shall be drawn from the treasury by warrant under the corporate seal, signed by the mayor by order of the common council and countersigned by the clerk, who shall keep a record thereof, and any such warrant shall set forth, for what purpose the amount specified therein is to be paid, and the said treasurer shall pay out the funds of the corporation in no other way whatever. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer in a book to be provided by the corporation for that purpose, which book shall be and remain the property of the corporation, and in said book he shall note the time when the persons from whom the amount of the several sums was received and the source whence the said sums arose respectively, and in the same book he shall duly enter an account of all sums paid out; and said book shall at all reasonable times, be open to the inspection of the voters of said city, and the said treasurer shall annually, and as often as he shall be required, render to the common council a minute account of his receipts and disbursements; said annual report shall be made and filed with the city clerk at least ten days before the annual election. The said treasurer shall be collector of taxes within the corporation, and in addition to the powers and duties already specified, shall have the same powers and duties and be subject to the same liabilities as treasurers in towns. He shall, in the same manner, before receiving the tax roll of the city, execute his bond to the treasurer of the county of Juneau, which bond shall be approved by the county treasurer, and upon filing the same the treasurer of said county shall give him a receipt therefor, and upon filing the receipt with the clerk of said city, the said clerk shall deliver the tax roll of the city to him, and he shall proceed to collect the taxes as hereinafter provided. No person having been city treasurer, shall be eligible to a re-election until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office. The treasurer shall be allowed and paid the sum of two hundred dollars per annum for his services in lieu of the fees now allowed by

law. The collection fees shall be collected as provided by law and paid into the county treasury.

Duties of
assessor.

SECTION 24. The assessor shall assess all the taxable property of the city of Mauston, as required by law, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this state; the assessor shall receive for his services such compensation as the common council shall determine, which compensation shall be payable when the assessment roll is completed.

Duties of
marshal.

SECTION 25. The marshal shall possess all the powers of a constable in towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes directed to him, and may execute any directed to any constable of Juneau county, and when necessary in criminal cases, or for the violation of any ordinance of said city or laws of this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and without process, to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and forthwith bring such person before competent authority for examination, and for such service he shall receive such fees as are allowed to constables for like services. He shall do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city. He shall have the power to appoint one or more deputies to be approved by the council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties. He shall be ex-officio chief of the police force of the city.

City attorney.

SECTION 26. The city attorney shall be a person duly admitted to practice in the courts of record conformably to the laws of this state.

Duties of the
street commis-
sioner.

SECTION 27. It shall be the duty of the street commissioner, within five days after his appointment and qualification, to inspect all the streets in the city, all sidewalks, crosswalks, ditches, gutters, culverts, and all bridges and approaches thereto, and all matters and things appertaining to the streets, and report to the common council, recommending what in his opinion is necessary and ought to be done thereto. On the receipt

thereupon the common council shall consider the same, and may adopt the whole or any part thereof, add to, strike out, amend or change any part thereof, and as soon as they have passed upon said report and recommendations the street-commissioner shall be informed of the action had thereon, whereupon said street commissioner shall cause such work to be done in accordance with the common council's amendments to his report, and according to the orders and directions of said common council. Any party or parties may petition the common council for any work or improvements that they may deem fitting and proper, and the street commissioner may at other times make such other reports as the necessities of the case may require.

SECTION 28. It shall be the further duty of the street commissioner to employ men, and procure utensils, implements, teams, materials and whatever may be needful in performing such street and city work, and all this he shall do under the direction and advice of the common council, and he shall superintend all such work when directed by the council so to do, and shall keep an accurate account of all materials procured, and of all teams and utensils and men employed by him, stating time and place and to be able to certify to the account therefor, and shall do and perform or cause to be done any and all other duties pertaining to his office that may be prescribed from time to time by the common council, and shall file an itemized and full report of all his doings on the last day of each month and oftener when required by the common council.

Further duties
of street com-
missioner.

SECTION 29. All accounts against the city for either work, hire or materials for street purposes, including street commissioner's services, shall be paid out of the general fund by orders drawn and issued by the common council. All such accounts for street purposes, except for work and hire, shall be duly verified, and when they arose or were created under the direction of said street commissioner, shall be certified by him to be true and correct in all particulars. The common council may at its option let all or any of such street work by contract to the lowest bidder. The street commissioner shall be paid for his services and for every day's service actually rendered, such com-

Accounts paid
out of genera-
fund.

compensation as the common council and said commissioner shall agree upon at the beginning of his official year, or he shall be paid such sum per annum in lieu thereof for the services required to be performed by him, as he and the common council can agree upon at the beginning of his official year.

Other and further duties to be performed by any officer.

SECTION 30. The common council shall have the power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he is elected or appointed.

Penalty for failure to deliver.

SECTION 31. If any person having been an officer in said city, shall not, within ten days after notification and request by the city clerk or mayor, deliver to his successor in office all property, books, papers and effects belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of said city, one hundred dollars besides all damages caused by his neglect or refusal so to deliver, and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

Alderman shall not be party to contract.

SECTION 32. No alderman shall be a party to or interested in any job or contract with the city, or any of the wards; and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract the common council may sue for and recover the amount so paid from the parties to such contract and the alderman interested in the same.

Officers of the peace.

SECTION 33. The mayor or acting mayor, sheriff of Juneau county, and each and every alderman, justice of the peace, marshal, under sheriff and deputy sheriff of Juneau county, and policeman, watchman and constable of said city shall be officers of the peace, and may command the peace and suppress in a summary manner all riot-

ing and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all by-standers, and if need be of all citizens; and if any person shall refuse to aid in maintaining the peace when so required, every such person shall forfeit fifty dollars, and in case when the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

SECTION 34. The justices of the peace shall, as often as the common council may require, report to the common council all the proceedings instituted before them in which the city is interested, and shall at the same time account for and pay over to the city treasurer all the fines and penalties collected by them and belonging to said city; and such justices shall be entitled to receive from the county of Juneau, such fees in similar cases as are allowed to other justices in the county for similar services.

Officers to report.

SECTION 35. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services as such; and the style of all ordinances shall be: "The mayor and common council of the city of Mauston do ordain," etc. The common council shall meet at such time and place as it by resolution shall direct. A majority of the council shall constitute a quorum.

Common council.

SECTION 36. The common council shall hold its first meeting in each year on the second Tuesday after the annual election, and thereafter stated meetings at such times as it shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally or left at their places of abode. The common council shall determine the rules of its own proceedings and be judge of the election and qualifications of its own members, and have the power to compel the attendance of absent members.

First meeting of the common council.

SECTION 37. The common council shall have the management and control of the finances, except school moneys and all of the other public property in the city, and shall likewise, in addition to the power herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal

Powers of common council.

all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of trade, commerce and health, and so enforce them as it shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, and such rules, ordinances and by-laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution of the United States or of this state, and for these purposes shall have authority by ordinance, resolution or by-laws:

Licenses for all kinds of things.

1. To license, regulate, suppress or prohibit the exhibition of caravans, showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, pool tables, bowling alleys, nine or ten pin alleys; to suppress mock auctions, street fakirs, confidence games and tricks, and all similar practices and devices involving a swindle or chance element; to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of this state or at common law, and shall grant or refuse to grant licenses to persons to sell, vend, deal or traffic in spirituous, vinous, malt or intoxicating liquors and drinks within said city, in accordance with the laws upon that subject. And all such licenses granted shall run from the first day of May in each year to the first day of May following, and shall be granted only on payment of the full year's rate.

Suppress gambling and other vices.

2. To restrain, prohibit and suppress all description of gambling and fraudulent devices and practices, and all playing of cards, dice and other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending, giving away for the purpose of evading the law, or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council; and to license, regulate and suppress hawkers and peddlers.

Riots.

3. To prevent any riots, noises, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries and houses of ill-

fame, and to authorize the destruction of all instruments used for the purpose of gaming.

4. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy sewer or other unwholesome or nauseous places, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Cleanse unwholesome places.

5. To direct the location and management of slaughter-houses and markets, and regulate the sale, storage, keeping and conveying of gunpowder, dynamite, fire-works, or other combustible or explosive materials.

Gunpowder, slaughter-houses.

6. To prevent the encumbering of the streets, sidewalks, lanes or alleys with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, firewood, or any other material or substance whatever.

Encumbering of streets.

7. To prevent horse-racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Racing.

8. To restrain the running at large of cattle, mules, horses, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the costs of proceedings.

Restrain cattle.

9. To prevent the running at large of dogs in the said city and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

Dogs.

10. To provide for the secure muzzling of dogs, and the killing and destruction in a summary manner, all dogs, not muzzled, found within said city running at large.

Muzzling dogs.

11. To prevent any person from bringing, depositing or having within said city, any putrid carcass or other unwholesome substances, and to require the removal of the same by any person who shall have upon his premises any such substances, or unsound beef, pork, fish, hides, skins or substances of any kind, and in default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Putrid carcasses.

12. To make and establish pounds, pumps, wells, cisterns and reservoirs, to erect lamps and

Pumps, wells, cisterns.

to regulate and license omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen and all others who may pursue like occupations in this city, and to provide for lighting the streets, public grounds and public buildings with gas or otherwise.

Boards of health, bills of mortality.

13. To establish and regulate boards of health, provide hospitals, pest houses, and the returns of the bills of mortality and to exempt burying grounds set apart for public uses, from taxation.

Size and weight of bread.

14. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Riding on sidewalks.

15. To prevent any person riding or driving any horse, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks.

Shooting fire-arms.

16. To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof.

Drunkenness.

17. To restrain drunkenness, or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Runners and solicitors.

18. To restrain and regulate runners and solicitors for stages, public houses or other establishments, and to establish and regulate the police of the city.

Removal of rubbish, etc.

19. To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

Produce.

20. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same.

Contagious and infectious diseases.

21. To regulate, control and prevent the landing of persons from railroad cars or stages wherein are contagious or infectious diseases or disorders,

and to make such disposition of such persons as to preserve the health of said city.

22. To regulate the time, place and manner of holding public auctions or vendues. Public auctions and vendues.

23. To appoint watchmen and prescribe their duties. Watchmen.

24. To appoint a sealer of weights and measures; procure a standard weights and measures thereof; to provide for examining and testing all scales, weights and measures in use in said city, and to punish frauds of any kind in weighing or measuring. Sealer of weights and measures.

25. To protect trees and monuments in said city. Trees and monuments.

26. To lay out, make, open, keep in repair, alter or discontinue any highway, street, lane or alley, and to keep them free from incumbrances, and to protect them from injury. Repairs of highways.

27. To alter or change the name of any street in the city. Streets.

28. To make, ordain, amend and repeal all such ordinances by-laws, and police regulations not contrary to the constitution of this state, for the good order and government of the city, and which may be expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city by this act, or which may be vested in any officer of said city by any ordinances thereof. Ordinances of all roads.

29. To direct the location, and regulate and license breweries, tanneries and packing houses. Breweries, picking houses, etc.

30. To prevent and regulate the keeping of bees within dangerous proximity of streets, dwelling houses or public places. Bees

31. To prohibit or regulate the erection or maintenance of awnings, signs, stairways, railings, hatchways or scuttle holes located, in adjoining or above the sidewalks or streets in such manner as to endanger or inconvenience the public. Awnings, stairways, etc.

SECTION 34. The common council shall have jurisdiction over the streams within the limits of said city, and may enact and enforce ordinances or by-laws for the preservation of fish in the waters thereof, so as to prohibit, regulate or license the taking of fish in the waters thereof at any time; and may also by ordinance or resolution prevent any deterioration of the said waters, or by nui-

sances being cast therein, by which the health of the inhabitants of the city or the purity of the waters shall be impaired, as it shall deem expedient.

A quorum.

SECTION 39. A majority of the members of the common council shall constitute a quorum for doing business, and an affirmative vote of a majority of such quorum shall be sufficient to pass any law, ordinance, resolution or by-law which may be enacted by said common council. Such enactments shall be signed by the mayor, and when necessary, shall immediately be published in the English language in one or more public newspapers in said city, whereupon the same shall be in force. Within fifteen days from their passage they shall be recorded by the clerk, in books to be provided for that purpose. And when the same shall have been published, such publication shall be proved by the affidavit of the foreman or publisher which shall also be recorded, and such record shall, at all times, be deemed and taken as sufficient evidence of the time and manner of such publication, and such record of such law, ordinance, regulation or by-law, and the proof of such record, certified by the clerk under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be prima facie evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor.

Power to abate nuisances shall not hinder suits.

SECTION 40. The powers conferred upon the said council, to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder or a dangerous amount of any other combustible or explosive matter are deposited, stored or kept at any one time, gambling houses or houses of ill-fame, disorderly houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

SECTION 41. The common council shall ex-

amine, audit and adjust the accounts of the clerk, treasurer, marshal and all other officers and agents of the city, at such time as it may deem proper, and also at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, funds and moneys accounts and vouchers for such examination and settlement; and, if any such officer or agent shall refuse to comply with the valid orders of said council in the discharge of his said duties in pursuance of this section, or shall without sufficient cause neglect or refuse to render his account or present his accounts, books, funds, moneys and vouchers to said council. It shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said city, who may be found delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

Examine and
adjust ac-
counts.

FINANCE AND TAXATION.

SECTION 42. All funds in the treasury, except state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders upon the treasury shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes except school and special taxes for bridges and school purposes, and except taxes levied for the payment of the principal and interest of any outstanding indebtedness of said city, which shall be collected in money or in orders drawn upon such fund respectively; and all orders shall be payable to the persons, or to the order of the persons in whose favor they may be drawn.

Finance and
taxation.

SECTION 43. The common council of said city shall annually levy upon the taxable property of said city, to defray the current expenses of said

Annual tax
levy.

city, a tax sufficient for that purpose, not exceeding one per cent. of assessed value of the property in the city.

No power to issue bonds except in special cases.

SECTION 44. The common council of said city shall not have the power to issue any bonds or other evidence of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, and duly authorized by a majority vote of the electors of said city. Nor shall the common council issue, in any one year, orders upon the city treasurer to an amount greater than the amount of taxes which may be levied under this act; provided, that whenever it shall be necessary to build or repair bridges across the Lemonwier river, a special tax may be levied for such purpose not exceeding two thousand dollars in any one year; and the said taxes when so levied shall be collected at the time as other city taxes are collected.

Taxes to pay| outstanding indebtedness.

SECTION 45. Taxes may be levied by the common council at any regular meeting, for the purpose of paying any outstanding indebtedness of the city of Mauston, and also for the payment of any bonds or any other evidence of debt hereafter issued or created in accordance with the provisions of this act, or by any authority of law. Said taxes when so levied shall be collected at the same time that other city taxes are collected.

Accounts must be verified.

SECTION 46. No account shall be allowed by the common council unless the same is verified by the owner thereof, or some person in his behalf.

When action against city can be maintained.

SECTION 47. No action shall hereafter be maintained by any person or persons against the city of Mauston, upon any claim or demand other than a city bond or order, unless such person or persons shall first have presented his claim to the common council of said city.

Determination of council to be final.

SECTION 48. The determination of the common council disallowing in whole or in part any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such claim, unless within sixty days from the decision or determination of such common council, the claimant shall begin an action against the city for the recovery of such demand; provided, however, that when the common council shall refuse or neglect to act for the term of sixty days upon any claim duly presented to them, this chap-

ter shall not be construed so as to prevent the institution and maintenance of any action by said claimant against said city.

OPENING OF STREETS, ALLEYS, ETC.

SECTION 49. The common council shall have power to take, for the use of the city, from the owner, by bargain, donation, or due process of law in manner hereinafter provided, any lots or any land for public squares, grounds, drains, sewers, streets and alleys, or for straightening or widening the same, or for the purpose or erecting a municipal building or buildings, or for the purpose of constructing wells, reservoirs or other public water-works. Whenever it shall, in the opinion of the common council, be necessary, and they shall be unable to purchase upon satisfactory terms, said council shall declare by resolution that it is necessary to take such lots or parcels of land for any of the purposes above set forth, giving a description of the premises, defining separately each parcel thereof, separately owned, and the purpose for which they are to be taken. They shall also cause notice to be given to the owners or occupants of such lands, if any there be, or if any portion of said lands shall not be in the actual occupation of any person, then the common council shall cause such notices, describing as near as may be, the premises proposed to be taken, to be published in a weekly newspaper published in said city four weeks successively, at least once in each week.

Opening streets, alleys, etc.

SECTION 50. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice or the expiration of such publication as the case may be, application will be made to a court commissioner of said county of Juneau, for the appointment of six jurors to view said premises and to determine whether it will be necessary and proper to take the same for the purpose specified in said petition.

What the notice shall state.

SECTION 51. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said court commissioner shall appoint six resident freeholders of said city, not interested in the result of such application. Either party may per-

Jurors to be appointed.

emptorily challenge two of such jurors, and their places shall be filled by the commissioner according to the practice of the court. The said court commissioner shall thereupon issue his precept directed to said jurors requiring them within ten days, to view the premises to be specified in said precept, and to make returns under their hands to the common council, whether in their judgment it is necessary and proper to take said premises for the purpose specified in said application, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which oaths shall be filed in the office of the city clerk.

City marshal to serve said precept.

SECTION 52. The city marshal shall serve the said precept immediately on the jurors named therein by reading the same to each one that can be found; and immediately after such service he shall return the said precept to the court commissioner who issued the same, together with his doings thereon, and if the jurors so appointed cannot be found, or shall be disqualified from acting or shall be excused from acting by the said commissioner, the court commissioners shall appoint others, to be summoned in like manner, in their places, and a memorandum of such substitution shall be endorsed on the precept.

Jurors to view the premises.

SECTION 53. The said jurors, at such time as shall be designated in said precept shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing and either of the jurors shall be authorized to administer oaths to witnesses. After viewing the premises in question, and hearing testimony, if offered, the jurors shall make a report of their proceedings, which shall be signed by them, and which shall state whether in their judgment it is necessary to take the premises in question for public use; which said report, testimony and precept shall be returned to the common council. Should the jurors report that it is necessary to take the premises the common council shall enter an order among their proceedings

confirming said report and directing the same jurors, within ten days thereafter, to again view the premises to ascertain the amount of damages to be paid to the owner or owners of said property proposed to be taken, and to assess and return within ten days such damages to the common council, who shall enter an order confirming the same.

SECTION 54. If there should be any building in whole or in part upon the lands to be taken, the jurors shall first estimate the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove.

In case there is any building on premises.

SECTION 55. At least ten days' notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, if not known and not a resident of the city, notice to all persons interested shall be given by publication, in a weekly newspaper of said city for three successive weeks. Such notice shall specify the building and the award of the jurors, and it shall require the parties interested to appear by a day named therein and give notice of their election to the common council, either to accept the award of the jurors and allow such buildings to be taken with the land appropriated, or of their intention to remove such building, and he shall have such time to remove such building as the common shall allow.

Ten days' notice of such determination to be given owner.

SECTION 56. If the owner shall refuse to take the building at the value assessed by the jurors, to remove or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash giving ten days' notice of such sale. The proceeds shall be paid to the owner or deposited for his use. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgage, or if there be any estate in them less than estate in fee, the injury done to such persons or interests, respectively, shall be awarded to them by the jurors.

In case owner refuses to take building.

SECTION 57. The award of said jurors shall be signed by them, and returned together with the testimony taken, and the precept to the common

Award to be signed by jurors.

council within the time limited in such precept. Any person whose property is taken may, within thirty days from the return of the jurors to the common council, appeal from such assessment to the circuit court of Juneau county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond to said city, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court; said bond to have a good and sufficient surety to be approved by the clerk of said city or county judge or court commissioner.

Damages to be tendered before lands can be taken.

SECTION 58. The lands required to be taken for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the owners thereof, or party entitled thereto, shall be paid or tendered to the owner or party entitled thereto or his agent, or in case the owner or party entitled thereto or his agent, cannot be found, or is unknown, deposited to his credit with the city treasurer and then and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds opened or laid out. The damages assessed shall be paid out within one year or tendered or deposited as herein required, and if not so paid, tendered or deposited, within one year from the confirmation of such assessment the proceedings shall be void.

In case owner is laboring under disability.

SECTION 59. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant, or other person under legal disability, having no general guardian, the county judge of Juneau county, on the application of the mayor of the city, or such party or his next friend, shall appoint a guardian for such party, and all notices required by this act shall be served upon such guardian. Whenever any street, alley or public grounds shall be laid out under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

May amend informality.

SECTION 60. The judge or court before whom proceedings are pending shall have power at any time to amend any defect or informality in any of

the special proceedings authorized by this act as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party interested as he deems proper.

SECTION 61. The council shall have the power to change the name of any street, and to vacate any plat or portion thereof that may be petitioned for by the proprietor of said plat or any person interested therein; but no petition for such vacation shall be acted upon unless notice of such application to the council shall have first been published in some weekly newspaper in the city for at least four weeks prior to the meeting of the council.

Power to change name of street.

SECTION 62. Roads or streets may be laid out by the council through unplatted lands in the same manner as roads are laid out by supervisors in towns.

Roads and streets in unplatted lands.

SECTION 63. All the foregoing directions given in this chapter shall be deemed only directory, and no error, irregularity or informality in any of the proceedings under the provisions of this act not affecting substantial justice shall in any way affect the validity of the proceedings.

Directions only directory.

CITY IMPROVEMENTS.

SECTION 64. The council shall have power to order and contract for the making, grading, paving, macadamizing, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters, sewers, drains, sidewalks and cross-walks in the manner hereinafter mentioned, and direct and control the persons employed therein; and all the expense of such improvements, except the costs of building and maintaining sidewalks shall be chargeable to, and shall be paid by the city.

Regarding improvements.

SECTION 65. All sidewalks, shall be built and repaired at the expense of the owners of the lots or premises in front of which the same shall be built, except that minor repairs may be ordered by the council at their discretion at the expense of the city; and to that end whenever in the judgment of the common council it is desirable that a sidewalk shall be constructed, they may by resolution, make an order that the same be constructed by the owners of the lots or premises in

Building and repairing of sidewalks.

front of which the same shall be required, and shall in said order specify the material, width and manner of construction, and also the time, which shall not be less than ten days from the service of said notice, within which the same shall be constructed. The city clerk shall immediately cause said notice to be served upon the owners of said lots or premises in the same manner as a summons in justice court is served if he be known, and shall reside in the city; and if such owner cannot be found within the city then the same may be in the same manner served upon any one occupying said lots, and if neither owner or occupant can be found then said notice may be served by printing the same for two weeks in succession in a weekly newspaper published in the city of Mauston, and such service shall be complete immediately upon the second publication. Proof of such service or publication shall be filed and preserved in the city clerk's office. In case any such owner shall fail to build such sidewalk within the time so limited then the common council shall cause the same to be built at the expense of such owner or owners, and the common council shall levy a special tax upon each lot or parcel of land in front of which any such sidewalk shall be constructed, sufficient to pay the cost of constructing the same. For that purpose the street commissioner or other person constructing the same shall keep an accurate account of the cost of such sidewalk and shall verify the same by his oath, and immediately upon the completion of such walk, shall return and file the same with the city clerk, who shall report the same to the common council before the levy of the next general tax. Such special tax shall be levied and collected at the same time and in the same manner as other taxes are collected in said city. The returns of the street commissioner or other person constructing said walk and the clerk's records of the ordering of the said sidewalk, service of the notice and of the levy of the tax, shall be prima facie evidence of the regularity and validity of such tax in all courts and proceedings when the same may be offered in evidence.

Determination
of manner of
grading or
paving streets.

SECTION 66. Whenever the common council shall require any street to be graded, paved or macadamized or other improvements made it

shall determine the manner in which the same shall be done, whether by contract let to the lowest bidder, or by labor and material procured by and under the direction of the street commissioner or other agent of the city; and in case it shall be done by contract, public notice of the letting shall be given by advertisement in some public newspaper in said city for at least twenty days, and the contract shall be awarded to some responsible bidder, whose bid it shall deem most reasonable and cheapest. In case no reasonable bids shall be received the work may be done under the supervision of the proper officer or agent of the city.

SECTION 67. The cemetery grounds now owned by the village of Mauston and controlled by the trustees of said village shall hereafter be owned by the city of Mauston and controlled by the mayor and common council of said city of Mauston, and they shall be empowered to purchase, in the name of said city, additional grounds for cemetery purposes.

Cemetery grounds.

SECTION 68. All money and property of every nature and description whatever belonging to the village of Mauston shall, after the passage and publication of this act, belong to and be the property, money and effects of the city of Mauston; and all liabilities of said village of Mauston shall be paid by the city of Mauston.

City property and money.

ASSESSING, LEVYING AND COLLECTION OF TAXES.

SECTION 69. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, its schools, and the payment of its debts and liabilities, and the same shall be assessed, taxed and collected in the manner provided by the general laws of the state upon the subject of assessment, levy and collection of taxes in towns; provided, that the common council, city assessor, city clerk and treasurer, shall answer to and perform the same relative duties as the town board of supervisors, assessor, town clerk and treasurer in the towns, but the common council may prescribe the form of the assessment rolls and more fully define the duties of the clerk and assessor, and make such

Assessing and collection of taxes.

rules and regulations in relation to revising, altering or adding to such rolls as they may from time to time deem advisable, not inconsistent with the general laws on the subject.

Return of assessment roll to board of equalization.

SECTION 70. The assessor shall return the said assessment rolls to the board of equalization of the city, on or before the first Monday in June in each and every year. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same may alter, and add to, take from and otherwise revise and correct the same.

Board of equalization.

SECTION 71. The mayor, the city clerk and the assessor shall constitute the board of equalization. Such board of equalization shall meet on the last Monday of June, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing, correcting and equalizing the assessment roll of the city. The mayor shall be president of the board of equalization and the city clerk the clerk thereof, and all changes made in said roll by said board shall be recorded by the clerk, and when finally completed, the said assessment roll shall be filed with the city clerk.

Amount of tax to be determined.

SECTION 72. On or before the first Monday in October of each year, the common council shall determine the amount of taxes authorized by law and by this act, to be levied for general city purposes, and for paying the city's indebtedness, due or to become due for the ensuing year, and shall by resolution levy the same, but no such resolution shall be adopted except by a vote of two-thirds of the members elect which shall appear in the journal of proceedings of the common council.

City regarded as town.

SECTION 73. The county board of supervisors of Juneau county shall regard the city of Mauston as one town, in equalizing the assessment of the several towns in the county as provided by law.

Tax list shall be prima facie evidence.

SECTION 74. The tax list made out and preserved shall be prima facie evidence in every court of record in this state, that every thing or act to be done relating to the assessing or levying of taxes, from the election of officers to the completion of

the tax list, inclusive, has been done regularly and correctly as required by law.

SECTION 75. Immediately after making out the tax list as aforesaid the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of the city, directed to the treasurer, requiring and commanding him to collect the taxes specified in said duplicate copy of the tax list, in the manner provided by law, and said clerk shall, on or before the tenth day of December of the same year, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

Duplicate copies of tax list to be made.

SECTION 76. Every male inhabitant of the city of Mauston over twenty-one years of age and under fifty, except active members of the fire department or military companies, or otherwise lawfully excused, shall pay into the city treasury the sum of one dollar and fifty cents (\$1.50) each as a poll tax. It shall be the duty of the assessor of the city of Mauston to make out duplicate lists of all persons liable to said tax in the city, and said assessor shall, on or before the first Monday in July in each year, deliver one of said lists to the city clerk and one to the city treasurer. The said treasurer shall thereupon immediately proceed to collect the same, and all persons liable to pay such tax who shall not have paid the same within twenty days after demand, either personal or by written notice left at their usual place of abode, shall be liable to, and shall pay a penalty of two dollars, together with the costs of the prosecution, to be prosecuted for the said treasurer in the name of the city of Mauston. The moneys collected as above shall go to the general fund of the city. The mayor, city clerk and treasurer shall constitute a board to determine the liabilities of persons to pay such tax; and all persons claiming to be exempt from paying such tax must apply to said board within twenty days after the demand or notice mentioned in this section.

Poll tax.

FIRE DEPARTMENT.

SECTION 77. The common council, for the purpose of guarding against the calamities of fire,

Fire limits.

shall have the power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Dangerous construction of chimneys, etc.

SECTION 78. The common council shall have power to prevent the dangerous construction, condition and use of chimneys, fire-places, hearths, stoves, stovepipes, ovens, boilers, lamps and apparatus used in and about any building, and to cause the same to be removed or placed in a safe condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to provide for and regulate the keeping, sale and use of carbon oil and other burning fluids; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in case of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fire; to regulate and prevent the use of fire-works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roof and ceilings, and ladders leading to the same; to authorize the mayor, aldermen, fire-warden and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

Power to purchase fire-engines.

SECTION 79. The common council shall have full power to purchase fire engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such com-

panies to be disbanded and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able-bodied men, between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer and assistant engineer, who shall be appointed by the common council, and form its own by-laws, not inconsistent with the laws of the state or the ordinances and regulations of the city, and shall be formed only by voluntary enlistments.

SECTION 80. The mayor shall appoint one fire-warden, subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and he may, at any time, enter into any building, house, store, barn or inclosure for the purpose of inspecting the same.

Appoint one fire-warden.

SECTION 81. When any person shall refuse to obey the lawful order of any engineer, fire-warden, the mayor or alderman of the city, or city marshal at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally, the marshal, constable or watchman, or any citizen, to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly. Any person who shall refuse to arrest or aid in arresting any person so refusing shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Penalty for refusal to obey lawful order.

SECTION 82. The city treasurer shall be the treasurer of the fire department; he shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duties by his bond to the city, in such penal sum as may be required, and with sureties to be approved by the common council; such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer and countersigned by the clerk or secretary of said department.

Treasurer of fire department.

SECTION 83. There shall be elected by the members of each company aforesaid, annually at their annual meetings, a clerk or secretary, who shall,

List of members of fire companies.

on or before the first Monday of May in each year, return to the city clerk a list containing the names of each member of their respective companies; and whenever any member of either of said companies shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

Record of members to be kept.

SECTION 84. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries, as above provided; and no person shall be exempt from jury duty or poll tax unless his name is entered on such list. In case any person shall for any cause cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the county clerk of Juneau county a list of all members of either or all of said companies exempt from jury duty, on or before the day now appointed or which may hereafter be appointed for the annual meeting of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

Fire tax annually.

SECTION 85. The common council shall have power to raise a tax each year not exceeding five mills on the dollar of the taxable property within said city for fire purposes, the same to be assessed and collected in the same manner as the general tax of said city, and the moneys arising therefrom shall be expended under the direction of the council of said city, for fire purposes.

Labor of prisoners to be utilized.

SECTION 86. The common council may, with the consent of the sheriff or of the county board of supervisors of Juneau county, use the labor of prisoners under sentence in said jail as the sheriff will furnish, or may use said labor in breaking stone, or doing in any other work in any part of the city, on such terms as may be agreed upon between the city and the county of Juneau.

Setting out ornamental shade trees.

SECTION 87. The council shall have power to require the owner of any lot or grounds in said city to set out ornamental or shade trees in the street in front of the same, and to protect and preserve them, and in default thereof to cause the same to be done and to levy a special tax upon such lots or grounds to pay the expense of the same. It shall also have the power to determine

the lines on which the trees shall be set and the kind and size of the trees to be set, and the manner of protecting them, and for replanting them when they have died or been so injured as to fail to answer the purpose for which they were set out, and to prohibit the setting out of any trees that may be regarded as a nuisance, and to order their removal when they have hitherto been set out. It shall also have the power to provide for and direct the trimming of shade trees to such proper proportions and to do all other needful acts as to them shall seem just and proper to give this section proper effect.

SECTION 88. The common council may expend for the improvement of any highway or highways leading into the city, not to exceed the sum of five hundred dollars in any one year, to be expended under the direction of the common council.

Highway expenditure.

SECTION 89. The common council may appropriate for the use of the Juneau County Agricultural society near said city of Mauston, a sum not exceeding one hundred dollars in any one year, to be expended under and by direction of the common council.

Agricultural society appropriation.

ACTIONS TO RECOVER PENALTIES, ETC.

SECTION 90. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city, and shall be commenced by complaint substantially in the following form:

Actions to recover penalties, etc.

STATE OF WISCONSIN, }
 Juneau County, } ss.
 City of Mauston. }

— —, being duly sworn, complains on oath to the justices of the peace of the city of Mauston, that — —, did on the — day of —, 18—, violate the — section —, of an ordinance (by-law or resolution, describing it by its title), which said — is now in force as this complainant verily believes and prays that the said — — may be arrested and held to answer the city of Mauston therefor.

Subscribed and sworn to before me this — day of —, 18—.

It shall be sufficient to give the number of the section and chapter of this act, or the section of ordinance, by-law or regulation violated in the foregoing form of complaint; and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

STATE OF WISCONSIN, }
 City of Mauston, } ss.
 County of Juneau. }

To the sheriff, or any constable of said county, or the marshal of the city of Mauston, greeting:

Whereas, ———— has this day complained to me in writing, on oath, that ———— did on the ——— day of ———, 18—, violate the ——— section of an ordinance, by-law, regulation or law (describing it by its title), which said ——— is now in force and effect as said complainant verily believes. Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said ————, and bring him before the justice of the peace of said city, to answer to said city of Mauston on the complaint aforesaid,

Given under my hand this ——— day of ———, A. D. 18—.

—————,
 Justice of the Peace.

Conduct of
 case.

SECTION 91. Upon the return of the warrant the court may proceed summarily with the case, unless it be continued by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize, with surety, for his or her appearance in such sum as the court shall direct, or in default (thereof) may be put in charge of the officer who made the arrest, or be committed to the common jail of Juneau county. The complaint made aforesaid shall stand in lieu of a declaration, and the plea of "not guilty" shall put at issue all subject matter which pertains to the defense of the action.

Printed copies
 to be received
 in evidence.

SECTION 92. A printed copy of an ordinance, by-law or resolution of the common council published in a weekly newspaper, or in pamphlet or book form, shall be prima facie evidence of its due passage and publication, and may be received in evidence in all cases and in all courts.

SECTION 93. Witnesses and jurors shall attend

before the justice courts in all city and criminal prosecutions without the payment of fees in advance or a tender thereof, upon the process of the court duly served, and in default thereof, their attendance may be enforced by attachment. In case the jury after being kept a reasonable time, should disagree, they shall be discharged without the payment of fees, and thereupon the court shall adjourn the case to a day certain and issue a new venire as aforesaid.

No fees in
advance
required.

SECTION 94. In city prosecutions the finding of the court shall be "guilty" or "not guilty," if guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty the costs shall be taxed against the city, and in all cases of conviction, in actions brought or prosecuted to recover a penalty, fine or forfeiture under any of the provisions of this act, or for the violation of said city, the court shall enter judgment against the defendant for the fine and costs of prosecution, and if the defendant shall neglect or refuse to pay such fine and costs, the court shall enter a judgment that defendant be imprisoned in the county jail of Juneau county, for such term as may be prescribed by this act or the ordinance violated, not exceeding three months, and shall forthwith commit the defendant for the term fixed by said judgment; or the court may in its discretion in case of the non-payment of such fine and costs aforesaid enter judgment that said defendant be imprisoned as aforesaid and kept at hard labor for the benefit of the city of Mauston in said jail or upon the public streets or elsewhere within said city, under the supervision of the city marshal or such member of the police force as may be detailed by the mayor for that purpose, for the period of time for which such person or persons shall have been so committed, unless the judgment and expenses of imprisonment shall be sooner paid; and all persons so committed and kept at labor shall be allowed one dollar per day for each day's labor rendered exclusive of board, and the amount so earned shall be applied in liquidation of the judgment until the same shall

Findings of
court.

be fully paid by such labor, at which time the judgment shall be satisfied and the defendant discharged from custody. Such execution shall be in the following form:

County of Juneau, }
 City of Mauston. } ss.

The state of Wisconsin, to the sheriff or any constable of said county, and to the keeper of any common jail in said county, greeting:

Whereas, the said city of Mauston on the — day of —, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against — —, for the sum of ——— dollars and ——— cents, costs of suit, for the violation of section —, of chapter —, of this act, or section —, of an ordinance or by-law or regulation of said city (describing it by its title); you are hereby commanded to levy distress of the goods and chattels of the said — —, excepting such as the law exempts, and make sale thereof according to law to the amount of said sum, together with your fees and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of said — —, and him convey and deliver to the keeper of the common jail of Juneau county, and the said keeper is hereby commanded to receive and keep in custody in said jail the said — —, for the term of —, unless the said judgment, together with the costs and fees are sooner paid, or he be discharged by due course of law.

Given under my hand this — day of —, 18—.

 Justice of the Peace.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writs.

Appeal from
 judgment, how
 taken.

SECTION 95. In all cases where judgment is rendered against a defendant for the recovery of fine or penalties mentioned in this act, or the ordinances now in force or hereafter to be ordained, the defendant may appeal from judgment to the circuit court of the county of Juneau in the same manner as is now provided by law, from judgments of justices of the peace in criminal cases.

SECTION 96. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day of the judgment of the justice of the peace shall be rendered, and no notice of trial shall be required to be given to or by either party.

Appeal to stand for trial.

SECTION 97. If the judgment of the justice of the peace shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

In case judgment be confirmed.

SECTION 98. No person shall be an incompetent judge, justice, juror or witness, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Shall not be an incompetent witness.

SECTION 99. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process or summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk so served forthwith to inform the common council thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such case provided.

How action shall be commenced against city.

SECTION 100. All penalties and forfeitures recovered and collected under and by virtue of this act shall be paid into the city treasury for the use and benefit of the said city.

Penalties to be paid into city treasury.

SECTION 101. All fire-engines, hose carts, hooks and ladders and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose carts, hooks and ladders and other apparatus and implements shall be exempt from attachment or execution issued in any action or on any judgment wherein the said city shall be a party.

City property exempt from attachment.

SECTION 102. No real or personal property of any inhabitant of said city, or of any individual or corporation shall be levied on or sold by virtue of any attachment or execution issued to collect or

Real or personal property not to be sold for city judgment.

satisfy any contract, debt or obligation of said city, or on any judgment against said city.

Power to grant pardons, by the mayor.

SECTION 103. The mayor shall have power to grant pardons or commutations after conviction, for all offenses against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such action to the council at its next meeting, with the reasons therefor.

Regarding executions against city.

SECTION 104. When a judgment shall be recovered against the city of Mauston, or against any city or ward officer in any action, prosecuted by or against such officer in his name of office, when the same should be paid by the city, no execution shall be awarded or issued upon such judgment except as herein provided; but the same unless reversed, shall be levied and collected as other city taxes, and when so collected shall be paid by the city treasurer to the persons to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if any payment thereof be not made within sixty days after the city treasurer is required to make his return of taxes next after the rendition of such judgment, execution may be issued thereon upon the order of the court authorized to issue such execution on special application therefor.

MISCELLANEOUS PROVISIONS.

When money may be borrowed.

SECTION 105. The city shall have no power to borrow money or contract any debt which cannot be paid out of the revenue of the current year, except by a majority vote of the electors of the city in cases allowed by law.

No extra compensation shall be allowed.

SECTION 105. No extra compensation shall be allowed to any officer, agent, servant or contractor after the service shall have been rendered or the contract entered into, nor shall any compensation be paid to the mayor or any alderman for their services.

Claims to be settled annually.

SECTION 107. The council shall settle all just claims and demands against the city and settle with the treasury annually, and publish accounts of the receipts and expenditures of the city, for the information of the citizens.

Public act.

SECTION 108. This act is hereby declared a pub-

lic act, and shall be liberally construed in all the courts of this state.

SECTION 109. Whenever the city clerk and deputy shall be absent or incapacitated from performing the duties of their office, the common council may appoint some suitable person to perform for the time being the duties of the office, and the acts of the person so appointed shall be of full effect and legality.

In case city clerk or deputy be incapacitated.

SECTION 110. The common council shall have the right and power at any time after said city shall have been organized under this act, by ordinance, to change the boundaries of the said several wards of the city and to make and establish new wards therein whenever the common council may deem best; provided, that whenever the common council proceed to alter or change the boundaries of said wards or to establish new wards in said city, due regard shall be had to the population and the valuation of property in each ward, so that all the wards in said city when so changed or established shall be as near equal in their respective populations and assessments as practicable. And the aldermen elected in the new wards shall have all the rights as those elected in the old wards.

Right to change boundaries of wards.

SECTION 111. Every member of the common council of the city of Mauston who shall directly or indirectly vote for himself any sum of money for any purpose whatever in violation of the city charter or amendment thereof, or shall ask or receive any compensation for doing any official act, except as inspector of elections, members of the board of registry, and as a member of the board of equalization, or for extra work on committee, any member of the common council or any other city officer who shall be directly or indirectly interested in any contract made with or on behalf of said city, and any member of said council or other city officer who shall directly or indirectly purchase, or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint before any justice of the peace, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars nor less than twenty dollars, or by

Penalty for voting money to self.

imprisonment in the county jail for not more than thirty days nor less than ten days, or both such fine and imprisonment, at the discretion of the court, and shall forfeit his office; and any contract made in violation of the provisions of this section shall be void.

By whom
licenses shall
be signed.

SECTION 112. Every licence issued by the authority of this act or the ordinances of the city, shall be signed by the clerk and sealed with the corporate seal of the city; but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor, together with a bond, if required by the laws of this state, which bond shall be approved either by the mayor or common council. Every license for selling intoxicating drinks shall contain a clause prohibiting the selling, vending or giving away of any spirituous, vinous or malt liquors on general or special election days.

Penalty for
drunkenness.

SECTION 113. Any person who shall be guilty of drunkenness, or immoderate drinking, obscenity, or noisy, boisterous or disorderly conduct in the streets or public places in the city of Mauston, shall be deemed guilty of a misdemeanor, and on conviction thereof before a justice of the peace of said city, shall be punished by a fine not less than one dollar nor more than one hundred dollars, or by imprisonment in the county jail of Juneau county not less than two days nor more than three months.

No moneys
appropriated
except.

SECTION 114. No moneys shall be appropriated for any purpose whatever except such as are expressly authorized by this act.

New surveys
to be made.

SECTION 115. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, and blocks, and may cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of the register of deeds of Juneau county.

Prima facie
evidence.

SECTION 116. The surveys and landmarks so made and established shall be prima facie evidence of the lines and boundaries of all streets, alleys,

public grounds and blocks, in all cases in which they shall be drawn into controversy, in all courts in this state.

SECTION 117. The common council may, at such time as it may deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city, to the owner of any lot or parcel of land or tenement which may be effected or injured in consequence of the alteration of such grade; provided, however, that nothing herein contained shall be so construed as to prevent the common council of said city from ordering or causing to be done, the grading of any street within their ward to a temporary grade to be established by said committee.

Establish the grades of streets.

SECTION 118. The city may have, purchase and hold real and personal estate, sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by said city shall be exempt from taxation.

City may purchase and hold real estate.

SECTION 119. When the city of Mauston deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Mauston, and the person or persons authorized to execute such deed or lease, need not be named in the body thereof.

How the city deeds.

SECTION 120. The mayor of said city is hereby authorized, when the common council shall by ordinance or resolution direct him so to do, execute a deed or lease of any such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of said city and countersigned by the city clerk and sealed with the corporate seal of said city, and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Mayor to execute deed, etc.

SECTION 121. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds, which said deed or lease and such copy so attached and record thereof, shall be, in all courts of

Ordinance or resolution to attached to deed.

this state, prima facie evidence of the authority of the mayor to make and execute such deed or lease.

In case election is not held at proper time.

SECTION 122. If any election by the people for common council shall for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered a reason for arresting, suspending or absolving said corporation, but said election or organization may be held at any subsequent day by order of the common council, and if any of the duties enjoined by this act or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said act may be done or performed.

License money to be paid into treasury.

SECTION 123. All moneys paid to the city on account of licenses shall be paid into the city treasury, and become a part of the general fund of said city.

Use of jail of Juneau county.

SECTION 124. The use of the jail of Juneau county, unless otherwise provided, shall be granted to said city on such terms as may be agreed upon between the city and the county of Juneau, for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery the sheriff shall be responsible as in other cases.

Regular committees named.

SECTION 125. The regular committees of the common council shall be as follows: On finance, streets, ordinances, fire department and licenses, and shall be appointed by the mayor at the first meeting after the annual election or as soon thereafter as convenient.

Remission of case, etc.

SECTION 126. The common council may, by unanimous vote thereof, remit any tax or special assessment, or any part thereof whenever the same shall be manifestly illegal or unjust.

Removal of paupers to poor house.

SECTION 127. The paupers of said city shall be removed to the poor-house of the county of Juneau by the mayor or aldermen, in like manner as they are removed from the several towns in said county.

Cannot be sureties on bonds.

SECTION 128. No alderman or other city officer shall be accepted as surety upon any bond, note

or obligation made by the city, nor shall any officer required to give bonds as aforesaid enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by this act provided.

SECTION 129. Any officer may resign his office by filing his written resignation with the clerk, and such resignation shall take effect and his office shall be deemed vacant from the time such resignation shall be accepted by the council.

Resignation of office.

SECTION 130. The common council may, by a two-thirds vote thereof, upon due notice and hearing, expel any member thereof, or remove any officer or agent of the city for incompetency, misconduct or neglect in the discharge of official duties.

Expulsion of members.

SECTION 131. No general law of this state contravening the provisions of this act shall be construed as repealing, annulling or modifying the same, unless such purposes be expressly set forth in such law as an amendment to this chapter or this act.

No general law shall annul.

SECTION 132. No personal property tax shall be returned by the city treasurer to the county treasurer, but the city treasurer shall have the same powers to collect said personal property tax as is now conferred by law upon county treasurers for the collection of personal property taxes. The city of Mauston shall be named plaintiff in any action to recover such taxes.

Personal property tax.

SECTION 133. In all matters arising under the provisions of this act, not particularly provided for by the provisions of this act, the same shall be governed by the general provisions of law on that subject.

What governs.

SECTION 134. All ordinances, resolutions and by-laws of the village of Mauston shall remain and be in force until repealed by the common council, and the officers of said village shall continue to act until the city of Mauston is organized and its officers are qualified to act.

Village ordinance to remain in force.

SECTION 135. All acts and parts of acts conflicting with the provisions of this act, particularly the act incorporating the village of Mauston and all acts amendatory thereof, are hereby repealed.

Repealing.

SECTION 136. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1887.